

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 484 - HB 1158

February 28, 2011

SUMMARY OF BILL: Creates the Tennessee Patient Safety and Quality Improvement Act of 2011 which replaces current provisions regarding peer review and patient safety review requirements of evaluating medical care and costs with health care organizations. Defines Quality Improvement Committees (QIC) as committees formed by health care organizations for the purpose of accomplishing such goals. Requires any records of a QIC and testimonies or statements by any individuals associated with a QIC to be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Exempts any health care organization officers, directors, trustees, health care provider staff, administrative staff, employees, or other committee members of attendees from liability in any action for damages or other relief arising from the provision of information to a QIC or in any judicial or administrative proceeding.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The Department of Health is not involved in the peer review activities described in the proposed legislation.
- Under current law (Tenn. Code Ann. § 63-6-219), immunity is provided to peer review committees relative to their review, discipline, and education of professionals and to individuals who provide information to the committee only relative to a physician's competence and professional conduct. The proposed legislation would extend that immunity to all individuals and committee members who provide any information to the committee.
- Code of Federal Regulations Title 42, Part 483.75(o)(3), concerning facility quality assurance and assessment committees, prohibits a State or the Secretary from requiring disclosure of the records of such committees. As a result of the current federal exemption of committee records from disclosure, the proposed legislation will not have a significant regulatory or fiscal impact to the state.
- The proposed legislation will not result in a significant administrative or regulatory impact to the Board of Medical Examiners.

- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2010, the Board had a balance of \$890,444.43.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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